App. F. IX-4

Previous References 1936. (do)

File No. 216-36

Serial Nos. 1-2

Letter References.

CS 110-37-1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for July 37

SUBJECT.

Subordinate legislation under rule of practice under sec 20 of the Legal Practitioners' Regn. Act directing the filing of certificates by an Advocate or Pleader for issuing received the regulation fee

Govt of India 15th & 16-7-37 Home Regn Dept

WD 0418—GPB—22,500—29-8-36

Secretariat

M Gyngee
15/7/37

7143

General and Revenue Secretariat | Ch File No. 216 of 1936. | [App. F. III-

Serial No.

From

The Registrar High Court

Roc No 1113/36-37 Dt 22.6.1937.

Forwards for Sanction a Rule of practice under Section 20 of the Legal Practioner's Regulation directing the filing of Certificates by the Advocates or Pleaders for having received the Regulation fee.

Extracts from the Report of the Mysore Laws' Delays' Committee 1926 (Para 402) are placed here for reference.

A draft of a G.O. Sanctioning is also submitted herewith for approval or other Orders.

Chief Secy 5/7

The necessity for this rule has been explained fully in the P.U.D. Many of the money lenders are resorting to profit and the pleaders fee by paying a nominal sum to pleaders, particularly in uncontested Cases. A similar rule has been in existence in Madras. The proposed rule may be Sanctioned

WD 03594—GPB—30,000—13-7-35

Chief Secy

(1st member)

NOTE—Contn Sheet.

TYPING BRANCH 3 JUL 1937 GEHL

CHIEF SECRETARY, 6 JUL 1937 GOVT. OF MYSORE.

OFFICE OF THE FIRST MEMBER EXECUTIVE COUNCIL 3 JULY 1937 No. 50

esswe hoy 7/7

JP 7/7 MS 7/7 hoy 7/7 hoy MS 6-7 6-7-37

File No. 2 Ch 216 of 1936

7143

General and Revenue Secretariat

2

20 cwt High Grade coal
Sanction 150 dt 6-7-37
can be issued in introduction
of new rule proposed in
SL 1

B
13/1/37

3

Extracts from the Report
the Mysore Laws Delays
Committee 1926

Para 402

The Committee thinks that
a rule similar to that in
the Madras Presidency and in
the Civil and Military Station
of Bangalore may be introduced
to provide for Certificates being
filed by an Advocate or pleader
that he has received the Regular
fee, before it is entered as
recoverable in the Table of
Costs appended to a decree
or order

7143 36

No 216-36-1P

R. O. C. ~~D. Dis.~~ No. 1113/36-37

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 18th June *1937*
22nd

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

CHIEF SECRETARY. 22. JUN. 193. GOVT. OF MYSORE.

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

Adverting to paragraph 402 of the Report of the Mysore Laws Delays Committee, 1926, regarding the introduction of a rule for certificates being filed by an advocate or pleader for having received the Regulation fee, I am directed to state that the object of the proposed rule is (1) to prevent practitioners bargaining with clients to take less than the regulation fee with the proviso that, if they win and the other side has to pay costs, they will get the full regulation fee, - thus giving them an improper interest in the result of the case, and (2) to prevent parties receiving from their opponents as costs more than they have paid or are going to pay to their own Counsel.

A number of Pathan, Marwadi and Multani money lenders engage only those who are prepared to conduct their suits for fees below the scheduled rates. This is one of the ways of making money in addition to the exorbitant interest which they charge and a portion of which is deducted in advance. Members of the Bar have to keep accounts; but they are not got to Court before decrees are drawn up and the pleaders fees are entered therein. In a number of suits e.g., in small cause Courts particularly, the party himself files the suit, but after the defendant is served, and is ex parte or admits the claim, a Vakalat is filed at that stage, apparently with the object of getting the pleader fee included in the decree. The pleader in such cases gets a nominal fee, as he has has to do very little practically, while the party gets

out

out of the judgment-debtor, the scheduled fee. This rule is proposed with a view to check the evil. In the majority of cases, the certificates will be correct and can be checked with reference to the accounts to be maintained by the pleaders. If in any case, a lower fee has been received, only that figure will have to be entered in the decree.

I am to request that the Government may be pleased to accord sanction to the enclosed Civil Rule of Practice under Section 20 of the Legal Practitioners' Regulation. (X)

(X) Vide page 295 of Civil Rule of practice Vol II

I have the honour to be,

Sir,

Your most obedient servant,

Registrar.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Civil Rule of Practice No.

Dated ~~18th~~ June 1937.

The High Court directs that unless the Court otherwise orders, and except in the case of an advocate or pleader appearing on behalf of Government, no fee shall in any case be entered as recoverable in a decree or order except on a production of a certificate, signed by the advocate or pleader, that he has received such fee.

The fact of a promissory note or other agreement to pay the fee having been given or made by the client does not entitle the advocate or pleader to certify that he has received his fee.

Each party shall, within three days from the date of a judgment or order or such further period as may be allowed by the Court, bring into Court the certificate mentioned above.

Registrar.

VJC

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue....9.-7-.....193

Signed by ....

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Jo

File No. 24-36

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter No Roc 1113/36-37 dt, 22.6.1937 from the Registrar High Court requesting Sanction to the introduction of a Rule of Practice under Sec 20 of the Legal Practitioner's ~~Order thereon. No.~~ Regulation as detailed in the Appended Statement directing the filing of Certificates by an Advocate or pleader for having received the Regulation fee order P 1150 dt

Sanctioned

To

The Registrar High Court

Chief Secretary to Govt

Extra

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Letter No.Roc.1113/36-37 dated 22nd June 1937 from the Registrar, High Court of Mysore, requesting sanction to the introduction of a Rule of Practice under Section 20 of the Legal Practitioners' Regulation as detailed in the appended statement directing the filing of certificates by an Advocate or Pleader for having received the Regulation fee.

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ORDER NO: P 150/do ~~1150~~. 216-36-2

Dated, Bangalore, the 8th July 1937.

S A N C T I O N E D.

Chief Secretary to Government.

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The Registrar, High Court of Mysore.

S.R.2

6

Civil Rule of Practice No.

The High Court directs that unless the Court otherwise orders, and except in the case of an advocate or pleader appearing on behalf of Government, no fee shall in any case be entered as recoverable in a decree or order except on a production of a certificate, signed by the advocate or pleader, that he has received such fee.

The fact of a promissory note or other agreement to pay the fee having been given or made by the client does not entitle the advocate or pleader to certify that he has received his fee.

Each party shall, within three days from the date of judgment or order or such further period as may be allowed by the Court, bring into Court the certificate mentioned above.

Chief Secretary to Government.